

Nineteen Hundred Thirty-One
Supplement

to

Mason's Minnesota Statutes

(1927 thru 1931)

Containing the text of the acts of the 1929 and 1931 Sessions of the
Legislature, both new and amendatory, and notes showing repeals,
together with annotations from the various courts, state
and federal, construing the constitution, statutes,
charters and court rules of Minnesota



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CHAPTER 49

Fees

§6987. Fees of clerk of district court.

(46).

This section applies to a default action to foreclose a real estate mortgage though the action is tried to the court, and clerk's fees are limited to \$4.00. Op. Atty. Gen., April 27, 1931.

§6987-1. Fees of the clerk of the District Court.—In any county of this state where incumbents of the office of clerk of the district court prior to the incumbent holding office at the time of the passage of this act have neglected for six years to enter or file papers or other documents or index the same in such office which should have been entered or filed by them, and as a result thereof the county records are incomplete, the board of county commissioners may agree with the clerk of the district court to properly enter or file all such papers and documents and index the same, and for such work may pay such clerk in addition to the salary and clerk hire provided by law, the fees provided for such work by General Statutes 1923, Section 6987; provided, that no such extra fee shall be paid for the doing of any work which should have been done by such incumbent. (Act Apr. 16, 1929, c. 207.)

§6991. Fees, when paid—other fees.

In order to effect a change of venue, the deposit fee must be paid within the prescribed time. 178M617, 225NW926.

§6993. Fees of sheriffs.

Sheriff is entitled to mileage both going and returning from serving papers. Op. Atty. Gen., Feb. 14, 1929.

Sheriff in selling pledged property at auction under Mason's St. 1927, §8561, is entitled to \$1.50 for posting notices and \$3.00 for the sale. Op. Atty. Gen., May 20, 1929.

Deputy sheriff is not entitled to compensation to which the sheriff is not entitled. Op. Atty. Gen., May 17, 1930.

Sheriff is entitled to mileage for distance actually traveled, and where he receives flat rate for use of his automobile he is not entitled to mileage. A per diem is not allowable unless given by statute. Op. Atty. Gen., June 17, 1930.

County clerk is charged only with duty of preparing original citations in delinquent personal property tax proceedings, and it is the duty of the sheriff to prepare such copies as he needs for service, for which he may be allowed a reasonable compensation. Op. Atty. Gen., Aug. 1, 1930.

Sheriff is not entitled to a fee from the county for selling property on execution under a judgment in favor of county against sureties on a depository bond. Op. Atty. Gen., Dec. 23, 1930.

Sheriff is not entitled to charge any fees for time spent in appearing in habeas corpus proceedings. Op. Atty. Gen., May 6, 1931.

This section is affected as to the sheriffs of some counties by Laws 1931, C. 331, ante §§254-47, 254-48. Op. Atty. Gen., May 23, 1931.

A sheriff transporting a feeble-minded person to a state institution is entitled to reimbursement for his actual expenses in transporting the person mentioned, and where he uses his own car the expense may exceed seven cents per mile while the feeble-minded person is in the car. Op. Atty. Gen., June 15, 1931.

(24).

Sheriff may charge officials of another state

a fee of \$4.00 per day in transporting a prisoner demanded by another state to the boundary line of this state. Op. Atty. Gen., May 6, 1931.

(25).

If a sheriff serves different individuals with notices in two separate actions on the same trip, he is entitled to full mileage from the county seat and back for each action. Op. Atty. Gen., Aug. 5, 1930.

Where a number of services are made in the same action upon different persons, the sheriff is entitled to charge \$1.00 for each notice served, but only mileage for distance traveled and not full mileage from the county seat and return for each individual service. Op. Atty. Gen., Aug. 5, 1930.

§6995. Fees of coroners.

Coroner cannot charge fee for testifying as expert witness at inquest called by deputy. Op. Atty. Gen., Sept. 13, 1929.

§6996. Fees of constables.

(11).

Mileage of ten cents provided for constables under this subdivision is not affected by Laws 1931, c. 331, ante, §§254-47, 254-48. Op. Atty. Gen., July 2, 1931.

A constable is entitled to mileage while transporting a prisoner to a county jail, and the amount of the allowance is not affected by Laws 1931, c. 331, ante, §§254-47, 254-48. Op. Atty. Gen., July 7, 1931.

§6998. Fees of justices of the peace.

In computing folios for determining fees, all printed matter, as well as matter filed in, is considered. Op. Atty. Gen., Sept. 30, 1930.

(1).

A justice of the peace is not entitled to fees for preparation of the copies of a garnishee summons. Op. Atty. Gen., Sept. 30, 1930.

(20).

A justice of the peace is not entitled to fees for preparation of the copies of a garnishee summons. Op. Atty. Gen., Sept. 30, 1930.

§7002. Fees of register of deeds—Certain counties.

Fees for recording instruments written on uniform conveyancing blanks, see §§204-4, 204-5.

Provision for guaranteed minimum income or salary refers to gross income, not exclusive of clerk hire. Op. Atty. Gen., Aug. 30, 1929.

Register of deeds is not entitled to additional fee for indexing instruments filed for record. Op. Atty. Gen., May 3, 1930.

§7010. Per diem of jurors.

Juror serving for six days was only entitled to six days pay though on second and fourth days he deliberated on cases until after midnight. Op. Atty. Gen., June 11, 1929.

§7013. [Repealed].

Repealed Feb. 21, 1931, c. 22.

§7018. Turning fees into county treasury.

Fees collected by the clerk of the district court under §3208 are payable into the county treasury under this section in counties where a definite salary is provided for the clerk. Op. Atty. Gen., Jan. 18, 1930.